

Faulk, Camilla

From: Leona Phelan [LPhelan@nwlegalmal.com]
Sent: Wednesday, March 17, 2010 2:52 PM
To: Faulk, Camilla
Cc: Robert Gould
Subject: FW: Proposed Amendment - CR 43(a)(1)

Re: Proposed Amendment – CR 43(a)(1)

Dear Ms. Faulk –

I write in support of the courts adopting the proposed above amendment. In a recent bench legal malpractice case before the Snohomish County Superior Court I had a lengthy argument with the Court on allowing the plaintiff guardian ad litem, who is based in Bainbridge Island, to testify by telephone as to her charges. That testimony in its entirety did not exceed five minutes.

It is my view as a long-time practitioner that sometimes our Courts lag significantly behind technology.

Our existing Rule CR 7(b)(5)^[1] allows oral argument on civil motions in the discretion of the Court. Precisely the same thing should be allowed with the exercise of appropriate discretion at trial. It is very much consistent with the purpose of our rules, which are to "...secure the just, **speedy, and inexpensive** determination of every action."

Thank you for your consideration.

Sincerely yours,

Robert B. Gould

^[1] "Telephonic Argument. Oral argument on civil motions, including family law motions, may be heard by conference telephone call in the discretion of the court. The expense of the call shall be shared equally by the parties unless the court directs otherwise in the ruling or decision on the motion."